

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth and Confirmation No. 8232
Keith A. Miesel

Serial No.: 10/825,964

Filed: April 15, 2004 Customer No.: 28863

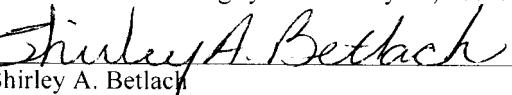
Examiner: Fangemonique A. Smith

Group Art Unit: 3736

Docket No.: 1023-360US01

Title: DETECTING SLEEP

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via the United States Patent and Trademark Office electronic filing system on July 30, 2009.

By: 
Name: Shirley A. Betlach

PETITION FOR EXTENSION OF TIME

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. §1.136(a), it is respectfully requested that a one-month extension of time be granted in which to respond to the outstanding Office Action mailed March 23, 2009 and the Advisory Action dated July 9, 2009, said period of response being extended from the July 9, 2009 mailing date of the Advisory Action to August 9, 2009.

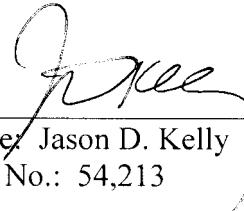
Applicant notes that, in the Advisory Action, the Examiner incorrectly checked the box indicating the period for reply expired three months from the mailing date of the final rejection, instead of the box indicating that the period of reply expired on the latter of the mailing date of the Advisory Action or three months from the mailing date of the final rejection. Applicant filed a Response to the final Office Action mailed March 23, 2009 on May 26, 2009. May 23, 2009 was a Saturday, and May 25, 2009 was Memorial Day. Therefore, Applicant's Response to the final Office Action was within two months of the mailing date of the final Office Action, and, because the date of mailing of the Advisory Action was later than three months from the mailing

date of the final Office Action, the period for reply expired on the mailing date of the Advisory Action.

Please charge Deposit Account No. 50-1778 the amount of \$130.00 to cover the required extension fee for a large entity.

Date: 7-30-09

By:


Name: Jason D. Kelly
Reg. No.: 54,213

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